IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 16135US02)

In the Application of:

    Frederic Hayem

Serial No. 10/733,861

Filed: December 11, 2003

For: MULTI-PROCESSOR PLATFORM
      FOR WIRELESS COMMUNICATION
      TERMINAL HAVING A PARTITIONED
      PROTOCOL STACK

Examiner: Fred A. Casca

Group Art Unit: 2617

Confirmation No. 8099

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REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 41.41, the Appellant submits this Reply Brief in response to the Examiner's Answer mailed on June 8, 2009 ("Examiner's Answer"). Claims 1-7, 12-18, and 27-30 are pending in the present Application. The Appellant has responded to the Examiner in the Examiner's Answer, as found in the following Argument section.

As may be verified in the Examiner's final Office Action (pages 4-22), dated September 30, 2008 ("Final Office Action"), the Examiner had previously rejected pending claims 5 and 30 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirements. *See* Final Office Action at pages 4-5.

Claims 1-2, 4-7, 12-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPP 2002/0141441 ("Neumann") in view of USP 6,594,242 ("Kransmo"). *See* id. at pages 5-9.

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann in view of USPP 2002/0114360 ("Perlman"). *See* id. at pages 9-13.

Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann in view of Kransmo, and further in view of Perlman. *See* id. at pages 13-21.

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann in view of Kransmo, and further in view of USPP 2003/0067894 ("Schmidt"). *See* id. at pages 21-22.

To aid the Board in identifying corresponding arguments, the Appellant has used the same headings in the Argument section of this Reply Brief as the headings found in the Appellant's corresponding Appeal Brief. The Appeal Brief has a date of deposit of March 2, 2009.

STATUS OF THE CLAIMS

Claims 1-7, 12-18, and 27-30 were finally rejected. Pending claims 1-7, 12-18, and 27-30 are the subject of this appeal.

ARGUMENT

I. Rejection under 35 U.S.C. § 112, First Paragraph

The Appellant first turns to the rejection of claims 5 and 30 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description. The Examiner has withdrawn this rejection in its entirety.

II. Rejection of Independent Claims 1-2, 4-7, 12-14, and 16-18 under 35 U.S.C. § 103(a)

The Appellant now turns to the rejection of claims 1-2, 4-7, 12-14, and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Neumann in view of Kransmo.

A. Arguments to the Rejection of Independent Claims 1 and 13

The Appellant stands by the argument made in the corresponding section of the Appeal Brief. Namely, the combination of Neumann and Kransmo at least

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does not disclose "enabling **switching between bearers** <u>utilizing</u> **said low-level stack operations** and **said set of protocol stack operations** <u>and</u> <u>maintaining</u> **bearer connections during said switching**," as recited in claim 1 by the Appellant.

Initially, the Appellant points out that the Examiner states the following in the Final Office Action:

> "**Neumann further teaches** one or both of said first baseband co-processor and said host baseband processor (the GSM processor) enabling **selecting between bearers utilizing low level stack operations** and set of protocol stack operations (paragraph 37, "GSM master processor ... selects the mode of operation, e.g., whether GSM mode or TDMA")."

See the Final Office Action at page 7 (emphasis added). The Examiner relies on Neumann paragraph 37 for support to disclose that the GSM master processor to select operation mode. Specifically, Neumann states the following:

> "In operation, the master control unit 302 of **the GSM master processor 202 selects the mode of operation**, e.g., whether GSM mode or TDMA IS-136 mode. **If GSM mode is selected** (e.g, by detection of known GSM control signals, or by factory pre-set or manual user selection), then **the GSM master processor 202 directs the TDMA processor 204 to enter a shut down or standby mode**."

See Neumann at ¶0037 (emphasis added). Neumann, in the above citation, states that **the TDMA processor** 204 (the alleged "first baseband co-processor") **is shut down by the GSM master processor** (the alleged "host baseband processor"), if the GSM mode is selected (the alleged "switching").

In other words, during the alleged switching (i.e., selecting GSM mode), **the TDMA processor** 204, **which performs the alleged "low-level stack operations"** of the TDMA network (the alleged "first wireless communication network"), is "**shut down**" (i.e., **not utilized**). In this regard, Neumann at least **does not** disclose or suggest "one or both of said first baseband co-processor and said host baseband processor (the GSM processor) enabling **selecting between bearers utilizing low level stack operations**...," contrary to the allegations by the Examiner. Kransmo does not overcome Neumann's above deficiencies.

Therefore, at least based on the foregoing rationale, the Appellant maintains that the combination of Neumann and Kransmo does not establish a prima facie case of obviousness to support a rejection of Appellant's claim 1. Claim 1 is submitted to be allowable.

Furthermore, the Examiner at page 7 of the Final Office Action concedes the following:

> "Neumann is silent about **switching between bearers** and **maintaining bearer connections during switching** as claimed"

The Examiner then relies for support on Kransmo to disclose the above deficiencies of Neumann. The Appellant respectfully reminds the Examiner that in using Kransmo as a secondary reference to establish a prima facie case of obviousness with Neumann, **the Examiner is required under MPEP § 2142**, to **provide factual support** to show that Kransmo at least suggests or discloses

that **the mobile station** MS 12 (the alleged "wireless communication device")

utilizes communication protocols (the alleged "bearers"), and **the mobile**

station MS 12 (the alleged "wireless communication device") maintains a

communication protocols connection (the alleged "maintaining bearer

connections"), during network switching.

For example, the Appellant in the previous responses, and in the Appeal

Brief argued that the Examiner failed to **provide support as required under**

MPEP § 2142, to show that Kransmo suggests or discloses **the mobile station**

MS 12 (the alleged dual-mode wireless terminal), **utilizes communication**

protocols, both in the 3G and/or 2G networks. In fact, throughout the entire

Kransmo reference, there is no mention of any protocol, let alone that the mobile

station MS 12 (i.e., the alleged dual-mode wireless terminal) **performs**

switching from a 3G communication protocol to a 2G communication

protocol (i.e., the alleged switching bearers), and maintains 3G and 2G

communication protocol connections within the mobile station MS 12, during the

handover process (*see* Appeal Brief at pages 18- 20).

The Examiner's Answer states the following:

> "**enabling switching between bearers**" is simply interpreted as
> enabling switching between different networks that have different
> protocols, for example, switching from a 3G communication system
> network to a 2G communication system network, as disclosed in
> Kransmo. **A person of ordinary skill in the art would know that**
> **switching between two different networks with different**
> **protocols would employ switching between different protocols**
> **that the networks belong to**.

The Examiner's argument is simply deficient. The Examiner is again reminded that Kransmo needs to disclose that **the mobile station MS 12** (the alleged dual-mode wireless terminal), **utilizes communication protocols, both in the 3G and/or 2G networks**. The Examiner's argument of "**A person of ordinary skill in the art would know that..**," is simply non-compliant to **MPEP § 2142**, which states the following:

> **The examiner bears the initial burden** of factually supporting any *prima facie* conclusion of obviousness. **If the examiner does not produce a *prima facie* case, <u>the Appellant is under no obligation to submit evidence of nonobviousness</u>**.

See MPEP at § 2142.

Therefore, based on the above citation, unless the Examiner could provide factual support to his arguments, **the Examiner simply has not produced a prima facie case of obviousness**, and <u>**the Appellant is under no obligation to submit evidence of non-obviousness**</u>.

The Examiner's Answer states the following:

> "Second, as indicated clearly in the Advisory and Final Office action, Neumann discloses the use of two different communication protocols. Neumann discloses a multi-mode wireless device that operates according to TDMA IS 136 network (see Par. 6 and 22, "a first telecommunications standard"), thus, it must operate according to the TDMA IS-136 communication protocol. Further, Neumann discloses that the multi-mode device operates according to a GSM network standard (Par. 21-22), thus, it must operate according to GSM network protocol. **Although, the disclosures of Neumann is sufficient to read on the claimed limitations of first and second communication protocols, Kransmo also discloses a multi-mode device that operates in different protocols**. Kransmo discloses a wireless device that operates in 2G and 3G networks, thus, Kransmo's multi-mode device must operate in two different

communication protocols (e.g., 2G and 3G) because 2G protocols
are different than 3G protocols. Thus, when the mobile device of
Kransmo is switched from a 3G to a 2G network the 3G protocol is
also switched to a 2G protocol."

See the Examiner's Answer at pages 22-23 (emphasis added). The
Examiner's is reminded that although Neumann discloses a multi-mode device
that operates in two different networks and uses two different processors (i.e.,
TDMA co-processor and GSM master host processor) that operate on different
networks (i.e., TDMA network and GSM network), Neumann, does not disclose
any details regarding the use of protocols.

For example, Neumann does not disclose how the alleged TDMA and
GSM protocols are related to protocol switching within the multi-mode device. In
this regard, Neumann still does not disclose or suggest "**enabling switching
between bearers**", let alone disclosing "**enabling switching between bearers
utilizing the low-level stack operations**...," as alleged by the Examiner.
Accordingly, the Examiner's above argument in the Examiner's Answer that "**the
disclosures of Neumann is sufficient to read on the claimed limitations of
first and second communication protocols**...," is therefore moot.

Furthermore, since Kransmo does not disclose the use of any protocol in
the mobile station MS 12, and even assuming for the sake of arguments, that 2G
and 3G network protocols may be used by the mobile station MS 12 in
processing the 2G and 3G network signals, Kransmo, still does not disclose how
the alleged 2G and 3G network protocols are related to protocol switching within

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the mobile station MS 12. Therefore, the Examiner's argument that "**Kransmo**

also **discloses a multi-mode device that operates in different protocols**....

Thus, **when the mobile device of Kransmo is switched from a 3G to a 2G**

network the 3G protocol is also switched to a 2G protocol" is also moot.

Kransmo therefore does not overcome Neumann's above deficiencies, namely

"**enabling switching between bearers** <u>**utilizing the low-level stack**</u>

<u>**operations**</u>...," as recited in Appellant's claim 1.

> "On lines 1.1-18, the Appellant argues that Kransmo does not
> disclose **the mobile station 12 itself performs any protocol**
> **stack operation**. The examiner respectfully disagrees with the
> appellant and asserts that first of all **the claim language does not**
> **specifically claim the limitation, "itself."** Further, the applicant is
> ignoring the disclosures of Neumann. Neumann discloses a multi-
> mode device that has two processors, a TDMA processor and a
> GSM processor. **The GSM processor performs a set of protocol**
> **stack operations of the GSM network (see par. 29)**. Since, the
> GSM processor is integrated within the multi-mode device, thus the
> multi-mode device itself is doing the protocol stack operations of
> the GSM network. **When one of the processors of Neumann**
> **performs protocol stack operations, a person of ordinary skill**
> **in the art would conclude that the device itself is performing**
> **the protocol stack operation**."

See the Examiner's Answer at page 23 (emphasis added). The

Examiner's argument that Appellant's does not recite "itself" in the claim limitation

is irrelevant, since it is clear that all the claim limitations, namely, "the first

baseband co-processor", the "host baseband processor', the data communication

channel", and the "low-level stack operations and the protocol stack operations",

all refer to the wireless communication device. In this regard, the term "itself" in

Appellant's arguments was simply used to clarify that the "enabling switching between bearers" takes place within the wireless communication device, and not elsewhere.

As to the Examiner's argument that Neumann's ¶0029 discloses GSM protocol stack operations, again, the Examiner is reminded that Neumann does not even mention the term "protocol". The Examiner's argument that "...When one of the processors of Neumann performs protocol stack operations, **a person of ordinary skill in the art would conclude that the device itself is performing the protocol stack operation**" is moot. Even though network protocols may be used by Neumann's multi-mode device in processing the network signals, **Neumann still does not disclose how the respective alleged TDMA and GSM protocols are related to protocol switching within the multi-mode device**.

The Examiner's Answer states the following:

"The Appellant further argues that **Kransmo does not disclose that the mobile station MS 12 performs switching from a 3G communication protocol to a 2G communication protocol during the handover**. The examiner respectfully disagrees. The examiner respectfully asserts that 3G protocol is different from 2G protocol. **Since the device of Kransmo switches from a 3G network to a 2G network the protocol must also be switched from 3G to 2G, otherwise the switching (handover) will not work** (see Kransmo col. 1, lines 50-67 and col. 2, lines 1-67)."

See the Examiner's Answer at pages 23-24 (emphasis added). Regarding the Examiner's argument that "**Since the device of Kransmo switches from a 3G network to a 2G network the protocol must also be switched from 3G to**

2G, otherwise the switching (handover) will not work" is still deficient. The

Examiner is referred to Appellant's above argument. Namely, since Kransmo

does not disclose the use of any protocol in the mobile station MS 12. Even

assuming for the sake of arguments, that 2G and 3G network protocols may be

used by the mobile station MS 12 in processing the 2G and 3G network signals,

Kransmo does not disclose how the respective 2G and 3G network protocols are

related to protocol switching within the mobile station MS 12.

In this regard, Kransmo does not overcome Neumann's above

deficiencies, namely "**enabling switching between bearers <u>utilizing the low-

level stack operations</u>**..., and **<u>maintaining bearer connection</u> during the

switching**," as recited in Appellant's claim 1.

The Examiner's Answer states the following:

> "The Appellants arguments on page 19 line 19 to page 21 line 15
> have been considered but they are not persuasive. In response to
> arguments that "in the 11/24/2008 response to Final Office Action,
> the Appellant at pages 15-16 pointed out the inconsistencies of the
> Examiner's arguments, namely, **Kransmo does not disclose or
> suggest that there is any communication protocol switching
> within the mobile station MS 12 device itself, when switching
> from a 3G communication network to a 2G communication
> network.,**" examiner asserts that Kransmo clearly discloses
> switching from a 3G to 2G network. A person of ordinary skill in the
> art would understand that 3G protocol is different from 2G protocol.
> Thus, **since the device of Kransmo switches from a 3G network
> to a 2G network the protocol must also be switched from 3G to
> 2G, otherwise the switching (handover) will not work** (see
> Kransmo col. 1, lines 50-67 and col. 2, lines 1-67)."

See the Examiner's Answer at page 24 (emphasis added). The

Examiner's argument states that "Since the device of Kransmo switches from a

3G network to a 2G network the protocol must also be switched from 3G to 2G, otherwise the switching (handover) will not work." The Examiner is referred to the Appellant's above argument. Namely, even assuming that 2G and 3G network protocols may be used by Kransmo mobile station MS 12 in processing the 2G and 3G network signals, **Kransmo still does not disclose how the respective alleged 2G and 3G network protocols are related to any protocol switching within the mobile station MS 12**.

The Examiner's Answer states the following:

"In response to arguments that "Instead, Kransmo discloses that the switching is based on providing control channel information for the 2G communication system over a downlink control channel of the 3G communication system to the wireless terminal. More specifically, Kransmo discloses that the mobile station MS 12 utilizes the control channel information, such as the S-burst 58 (Synchronization Channel SCH)of a GSM 2G frame 50, to synchronize with the blank slot 60 of a WCDMA 3G frame 54 (see Fig. 2 and Kransmo at col. 4, lines 46-56). In other words, Kransmo discloses that during switching from a 3G network to a 2G network, the GSM 2G network frame control channel information is provided to the mobile station MS 12 (which operates in WCDMA 3G network frame), resulting in a reduction in channel frequency search time or a reduction in handover time (see Kransmo Fig. 3, and at col. 2, lines 18-31),"**the examiner asserts that Kransmo still switches from a 3G to a 2G network regardless of how it performs the switching and switching of networks from 3G to 2G implies that the protocols are switched as well based on the reasons above**."

See the Examiner's Answer at pages 24-25 (emphasis added). The Appellant reminds the Examiner that Appellant's claim clearly recites "**enabling switching between bearers <u>utilizing the low-level stack operations</u>**..., and **<u>maintaining bearer connection</u> during the switching**". In other words,

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Appellant's claim 1 clearly recites **"how" switching between bearers** (i.e., the network protocols), takes place. Therefore, the Examiner's argument that "Kransmo still switches from a 3G to a 2G network **regardless of how it performs the switching** …," is rendered moot.

More specifically, the Appellant in the Appeal Brief argued that Kransmo merely discloses that the GSM 2G network frame control channel information is provided to the mobile station MS 12 (which operates in WCDMA 3G network frame), resulting in a reduction in channel frequency search time or a reduction in handover time (see Kransmo Fig. 3, and at col. 2, lines 18-31). In other words, the Appellant's argument is supported, that Kransmo **still does not disclose how the respective alleged 2G and 3G network protocols are related to protocol switching within the mobile station MS 12**. In this regard, the Examiner's allegation that "**Kransmo … switching of networks from 3G to 2G implies that the protocols are switched as well based on the reasons above**," is in fact contrary to Kransmo's disclosure.

The Examiner's Answer states the following:

"In response to arguments on page 20, line 13 to page 21, line 15, **the examiner asserts that Kransmo still switches from a 3G to a 2G network regardless of how it performs the switching and switching of networks from 3G to 2G implies that the protocols are switched as well based on the reasons above**."

See the Examiner's Answer at page 25 (emphasis added). The Examiner is again referred to the Appellant's argument above, that **Appellant's claim 1 clearly recites the condition, or "how" switching between bearers takes**

place, and therefore, rendering the Examiner's argument "**Kransmo still switches from a 3G to a 2G network regardless of how it performs the switching** ...," moot.

Therefore, based on the foregoing rationale, the Appellant maintains that the combination of Neumann and Kransmo at least does not disclose "enabling **switching between bearers utilizing said low-level stack operations** and **said set of protocol stack operations and maintaining bearer connections during said** switching," as recited in claim 1 by the Appellant, and a prima facie case of obviousness cannot be established to reject claim 1 under 35 U.S.C. § 103(a). Claim 1 is submitted to be allowable.

Independent claim 13 is similar in many respects to the method disclosed in independent claim 1. Therefore, the Appellant submits that independent claim 13 is also allowable at least for the reasons stated above with regard to claim 1.

B.   Rejection of Dependent Claims 2, 4-7, 12-14 and 16-18

Based on at least the foregoing, the Appellant believes the rejection of independent claims 1 and 13 under 35 U.S.C. § 103(a) as being anticipated by Neumann in view of Kransmo has been overcome and requests that the rejection be withdrawn. Additionally, claims 2, 4-7, 12-14 and 16-18 depend from independent claims 1 and 13, respectively, and are, consequently, also respectfully submitted to be allowable. The Appellant also reserves the right to

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argue additional reasons beyond those set forth above to support the allowability

of claims 2, 4-7, 12-14 and 16-18.

III.   Rejection of Claims 27-28 under 35 U.S.C. § 103(a)

With regard to the rejection of independent claim 27 under 35 U.S.C. §

103(a) over Neumann in view of Perlman, the Appellant stands by the argument

made in the corresponding section of the Appeal Brief and submits that the

combination of Neumann and Perlman does not disclose "a **first bearer-specific**

module for implementing bearer-specific stack functions related to said **first**

wireless communications protocol," as recited in claim 27 by the Appellant.

At pages 25-26 of the Examiner's Answer states the following:

"With regard to arguments that "the combination of Neumann and
Perlman does not disclose "a **first bearer-specific module** for
implementing bearer-specific stack functions related to said **first**
wireless communications protocol," the examiner respectfully
disagrees. The examiner refers the applicant to the Neumann's
paragraph 21 that recites "The GSM master processor controls
audio input/output and an RF front end circuit in both he first and
second modes." Note that **the first and second modes**
correspond to TDMA and GSM modes. Further, Neumann
discloses in paragraph 29, lines 7-8 that "**The GSM master**
processor 202 also controls the TDMA co-processor 204."
Thus, a person of ordinary skill in the art would be able to make the
GSM processor to control specific functions of TDMA coprocessor
since the GSM processor is already controlling the TDMA co-
processor."

See the Examiner's Answer at pages 25-26 (emphasis added). The

Examiner, again, seems to interchange the order of "first" and "second" in his

arguments. For example, at page 10 of the Final Office Action, the Examiner first

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equated the "TDMA network" as the claimed first wireless communication network, and the GSM network as the claimed second wireless communication network.

More specifically, the Examiner argues that (see page 10 in the Final Office Action) Neumann's **GSM master processor** system function is the **bearer specific stack function to GSM system** (i.e., for the alleged **second wireless communication network**). In effect, the Examiner concedes that Neumann discloses that the GSM master processor (i.e., **the alleged second bearer-specific module** for the second **wireless communication protocol**) controls the TDMA co-processor (the alleged "implementing bearer-specific stack functions **related to the** alleged **first (TDMA) wireless communications protocol**.)

The Appellant maintains that Neumann discloses just the opposite of Appellant's claim limitation. Therefore, Neumann does not disclose or suggest "**a first bearer-specific module for implementing bearer-specific stack functions related to said first wireless communications protocol**", as recited in claim 27 by the Appellant. Perlman does not overcome the above deficiency of Neumann. Claims 27-28 are, therefore, allowable over the combination of Neumann and Perlman.

The Examiner's Answer states the following:

"In response to arguments that the combination of Neumann and Perlman does not disclose "**a second buffer** in communication

> **with said first bearer-specific module** and said **common stack functions module** ... a **first buffer** in communication **with said first physical layer module and said first bearer-specific module**," the examiner respectfully disagrees and asserts that Perlman discloses that buffers are provided to interconnect system module to improve system performance (Fig. 3, 5 and Par. 71, "buffers may be provided in this manner between any of the system modules"). Thus, a person of ordinary skill in the art would understand that the combination of Neumann/Kransmo would be modified by using buffers, as suggested by Perlman, so that buffers can be used for further processing and also as a Queue for efficient processing."

See the Examiner's Answer at page 26 (emphasis added). However, the Appellant points out that Perlman is not in a relevant art, since Perlman merely discloses a system and method for processing broadcast multimedia streams, which is **unrelated to the wireless communication device**, let alone providing buffers for bearer specific stack processing. In this regard, Perlman still does not overcome Neumann's above deficiencies in disclosing the first and second buffer in claim 27.

The Examiner's Answer further states the following:

"In response to arguments that **Perlman is not relevant art**, the examiner asserts that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be **reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention**. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Perlman is clearly in the field of wireless communication. Further, the concept of inserting buffers between modules is a fundamental engineering concept that a person of ordinary skill in the art would understand. Further, Neumann discloses all limitations of the claimed invention except for buffering between modules. In fact a user would not know the difference between the device of Neumann and the device of the applicant. Therefore, **a person of**

ordinary skill in the art would be able to modify Neumann by applying the fundamental concept of buffering between modules as disclosed by Perlman."

See the Examiner's Answer at pages 26-27 (emphasis added). The Examiner still **has not articulated in the above argument <u>how</u> Perlman's system and method for processing broadcast multimedia streams is <u>related to the wireless communication device</u>,** as required by **MPEP § 2142**, in order to establish a prima facie case.

Likewise, the Examiner is required to factually show, rather than merely making a conclusory statement, that "**a person of ordinary skill in the art would be able to modify Neumann by applying the fundamental concept of buffering between modules as disclosed by Perlman,**" as required by **MPEP § 2142**, in order to establish a prima facie case. In this regard, the Appellant maintains that Perlman is not a relevant art.

Based on the foregoing rationale, the Appellant maintains that the combination of Neumann and Perlman does not establish a prima facie case of obviousness to reject the Appellant's independent claim 27, and is respectfully submitted to be allowable. Claim 28 depend from independent claim 27, and is, consequently, also respectfully submitted to be allowable at least for the reasons stated above with regard to allowability of claim 27.

IV.   Rejection of Claims 29-30 under 35 U.S.C. § 103(a)

With regard to the rejection of independent claims 29-30 under 35 U.S.C. § 103(a) over Neumann and Kransmo in view of Perlman, the Appellant stands by the argument made in the corresponding section of the Appeal Brief, and submits that the combination of Neumann, Kransmo and Perlman does not disclose "said host baseband processor comprises: a first bearer-specific module for implementing bearer-specific stack functions related to said first wireless communications protocol," and "said baseband co-processor comprises ... a first buffer in communication with said first physical layer module and said first bearer-specific module," as recited in claims 29 and 30 by the Appellant.

More specifically, the Examiner uses the same rationale as claims 27-28 to reject claims 29-30.   The Appellant refers the Examiner to the above arguments in section III.   Namely, the Examiner uses ambiguous and conflicting information to reject claims 27-28.   Consequently, Neumann does not disclose "said host baseband processor comprises: a first bearer-specific module for implementing bearer-specific stack functions related to said first wireless communications protocol," and "said baseband co-processor comprises ... a first buffer in communication with said first physical layer module and said first bearer-specific module," as recited in claims 29 and 30 by the Appellant.   In addition, Kransmo and Perlman do not overcome the above deficiencies of Neumann.

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Moreover, the Examiner is referred to the same argument to independent claim 1 above, that the combination of Neumann and Kransmo does not disclose or suggest "**enabling switching between bearers utilizing said low-level stack operations and said set of protocol stack operations and maintaining bearer connections during said switching**," as recited in claims 29 and 30 by the Appellant. Perlman does not overcome the above deficiencies of Neumann and Kransmo.

Therefore, the Appellant submits that independent claims 29 and 30 should be allowable. Accordingly, the Appellant believes the rejection of independent claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Neumann in view of Kransmo and Perlman has been overcome and requests that the rejection be withdrawn.

The Examiner's Answer further states the following:

> "The examiner respectfully disagrees. The examiner asserts that claims 29-30 are rejected in view of Neumann, Kransmo and Perlman while claims 27-28 are rejected in view of Neumann and Perlman. **The only additional limitation that claims 29-30 presents is "enabling switching between bearers utilizing said low-level stack operations and said set of protocol stack operations and maintaining bearer connections during said switching**,...Kransmo discloses a wireless device that operates in 2G and 3G networks, thus, Kransmo's multimode device must operate in two different communication protocols (e.g., 2G and 3G) because 2G protocols are different than 3G protocols. Thus, when the mobile device of Kransmo is switched from a 3G to a 2G network the 3G protocol is also switched to a 2G protocol."

See the Examiner's Answer at pages 27-29 (emphasis added). The Examiner is referred to the Appellant's arguments to claim 1, that the combination of Neumann and Kransmo does not disclose or suggest "**enabling switching between bearers utilizing said low-level stack operations and said set of protocol stack operations and maintaining bearer connections during said switching**," as recited in Appellant's claim 1. Claims 29 and 30 have similar claim limitations, and therefore are submitted to be allowable. Perlman does not overcome the above deficiencies of Neumann and Kransmo.

V.   The Proposed Combination of Neumann, Kransmo and Schmidt Does Not Render Claims 3 and 15 Unpatentable

Claims 3 and 15 depend from independent claims 1 and 13, respectively, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above with regard to allowability of claim 1.

CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-2, 4-7, 12-14, and 16-18 are not obvious over Neumann in view of Kransmo. Claims 27-28 are not obvious over Neumann in view of Perlman. Claims 29-30 are not obvious over Neumann in view of Kransmo, and further in view of Perlman. Claims 3 and 15 are not obvious over Neumann in view of Kransmo, and further in view of Schmidt. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: August 10, 2009   / Frankie W. Wong /

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